

SENATE BILL 2968

By Black

AN ACT to amend Tennessee Code Annotated, Title 39,
relative to criminal sentencing.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 4, is amended by
adding the following as a new section:

Section 39-17-452.

(a) It is an offense for a person to knowingly and unlawfully manufacture,
or attempt to manufacture, or to initiate the process to manufacture
methamphetamine in a residence where a child or children younger than
fourteen (14) years of age reside, or within two hundred feet (200') of a residence
where a child or children reside.

(b) A violation of subsection (a) is a specific and separate offense which
shall be pled in a separate count of the indictment and tried before the same jury
as the underlying charge of manufacture of a controlled substance under § 39-
17-417, or attempt to manufacture a controlled substance, or initiation of a
process intended to result in the manufacture of methamphetamine under § 39-
17-435.

(c) Any sentence imposed for a violation of this section shall be served
consecutively to any sentence the person is serving at the time of the offense or
is sentenced to serve for conviction of the underlying offense of manufacture,
attempt to manufacture, or initiation of the process to manufacture
methamphetamine.

(d) A violation of this section is a Class C felony punishable by a
mandatory minimum sentence of six (6) years to the department of correction.

SECTION 2. This act shall take effect January 1, 2011, the public welfare requiring it.